

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

STEPHEN A. WESTLAKE,	)	
	)	
Petitioner,	)	Cancellation No. 92/052,260
	)	(Serial No. 77/378,015)
	)	
EDGAR ALEXANDER BARRERA	)	
	)	
Respondent.	)	

**MOTION FOR A FURTHER EXTENSION OF TIME**  
**TO SECURE NEW LEGAL COUNSEL**

Comes now the Respondent EDGAR ALEXANDER BARRERA and hereby submits a Motion for a Further Extension to Time to Secure New Legal Counsel in the above-captioned Opposition proceeding.

**Business week of December 1-2, 2011 and**  
**Business week of December 5-9, 2011:**

1. On Thursday, December 1, 2011, I was rushed again to the hospital in serious condition with acute pancreatitis. I remained hospitalized from Thursday, December 1, 2011 until Sunday, December 4, 2011. I am responding well to medication, none of which are being helped by the severe stress of this legal proceeding.
2. In addition to this, a family member was also rushed to the hospital on Saturday, December 3, 2011 in serious condition and was in the ICU until Thursday, December 8, 2011 as the result of his blood pressure dropping to 86 over 57 and suffering from a severe bacterial infection which caused his white cell count to go to 22,000.
3. The family member was released and ordered to complete bed rest for a minimum of three weeks convalescing period until approximately Wednesday, December 28, 2011. In the meantime, the family member was once again hospitalized on Saturday, December 10, 2011 and released on Sunday, December 11, 2011. I have also taken care of my sick relative since his release from the hospital on December 8, 2011. I spent the bulk of the day, Friday, December 9, 2011, taking him to several doctors' appointments and getting lab work done.
4. I was hospitalized again, in the emergency room, with severe abdominal pains on December 12, 2011. Again, I was ordered to avoid any stress and rest for a minimum of two weeks (until December 27th). In spite of this I have worked very diligently to obtain new legal counsel during this interim period as stated below including specific factual information regarding my efforts to secure counsel during the entire 30 day period:



01-06-2012

**Business week of December 12-16, 2011:**

**5. Monday, December 12, 2011:**

Before being hospitalized again on this date, I placed two phone calls to attorneys. I interviewed one attorney. This was done after spending considerable time online checking out potential attorneys as well as calling and getting referrals before placing my calls.

**6. Tuesday, December 13, 2011:**

The following day, after being released from the emergency room, I placed four phone calls to attorneys. I was told by three attorneys receptionists they do not specialize in this type of trademark litigation. Again, I spent considerable time online checking out potential attorneys before placing my calls.

**7. Wednesday, December 14, 2011:**

I placed five phone calls to attorneys and received one return phone call to interview. I once more conducted my regular procedure and I spent considerable time online checking out potential attorneys before calling anyone.

**8. Thursday, December 15, 2011:**

I placed four phone calls to attorneys and didn't get back any return calls. I was told two of the attorneys were out of the office, one in court and one in conference. I was informed the other two would not be back in the office until January 3, 2011 and to call back after the first of the new year.

**9. Friday, December 16, 2011:** I called four attorneys and interviewed two. Again, I spent considerable time online checking out potential attorneys before placing my calls. I am waiting for return phone calls from the other two.

**Business week of December 19-23, 2011:**

**10. Monday, December 19, 2011:**

I followed up on calling six attorneys I hadn't heard from. I was told I would get a phone call in a few days from four attorneys. I couldn't reach one and I interviewed another but was told he didn't practice before the TTAB.

**11. Tuesday, December 20, 2011:**

I placed four phone calls to attorneys. I was told one was on a skiing trip. I spoke to one who said he didn't specialize in this type of trademark law.

**12. Wednesday, December 21, 2011:**

I placed three phone calls to attorneys and interviewed one who requested that I send them some information.

**13. Thursday, December 22, 2011:**

I placed five phone calls to attorneys. I interviewed one who asked for some additional

information.

**14. Friday, December 23, 2011:**

I had planned to call six attorneys but only placed four phone calls to attorneys and since I couldn't reach anyone I stopped for the day.

**Business week of December 27-30, 2011:**

**15. Tuesday, December 27, 2011:**

I placed four phone calls to attorneys and briefly spoke to one who told me to call back after January 3, 2012.

**16. Wednesday, December 28, 2011:**

I placed three phone calls to attorneys and was also told to call back after January 3, 2012.

**17. Thursday, December 29, 2011:**

I placed two phone calls to attorneys whose secretaries told me to call back after the holidays. I reached one other attorney who told me this wasn't his specialty in intellectual property law.

**18. Friday, December 30, 2011:**

I couldn't reach anyone except two offices that told me to call back after Tuesday.

19. I have been placed at a significant disadvantage with the sudden and abrupt withdrawal of Mr. McAuliffe as legal counsel.

20. I have been working diligently to secure new legal counsel but it is taking longer than I expected. Although I have made progress it has been slower than I originally anticipated.

21. I have been speaking with prospective attorneys as well as waiting to receive return phone calls from others who have been contacted. I am doing all I can to resolve this matter as soon as possible.

22. Unfortunately I must seek new legal counsel to represent me in this proceeding. Since I am not represented by legal counsel at this time, I therefore must respectfully make this request on my own behalf.

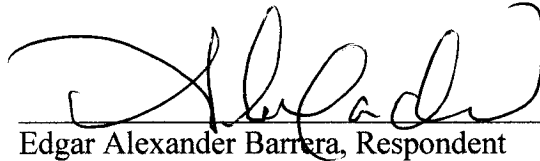
Respondent, under the circumstances, needs a further extension of time and respectfully pleads upon this Court to grant him this Motion of not less than thirty days. Respondent feels this will give him the sufficient time in order to secure necessary legal counsel.

The interests of justice will be served if this continuance is granted.

**WHEREFORE, Respondent respectfully seeks this Motion for a Further Extension**

**of Time to Secure New Legal Counsel based upon the foregoing reasons.**

Certified and Respectfully submitted by:

A handwritten signature in black ink, appearing to read 'Edgar Alexander Barrera', written over a horizontal line.

Edgar Alexander Barrera, Respondent  
10 Castania Ct.  
St. Augustine, FL 32086

Telephone (386) 852-0012

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing instrument was placed in the United States Mail, postage prepaid, this 3rd day of January, 2012, addressed to:

Mark Levy, 700 Security Mutual Bldg., 80 Exchange Street, Binghamton, NY 13902

and

Kevin Guyette, 19 Chenango St. #1101, Binghamton, NY 13901-2904